

REMARKS

The present application includes pending claims 1-33, all of which have been rejected. By this Amendment, claims 1-3, 13-14, 17, 20-21, 26, 28 and 31 have been amended.

Claims 1-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0016971 ("Berezowski") in view of U.S. 2004/0125789 ("Parker") and U.S. 7,321,969 ("Schoen"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

The Applicants respectfully submit that the claim rejections are moot in view of the claim amendments. Claim 1 recites, in part, "a user interface, at the first home, having at least one view comprising a representation of at least one user defined media channel for the communication of media comprising audio and/or video, the at least one user defined media channel comprising a graphical representation of a user selected and scheduled sequence of media content comprising audio and/or video, the user interface operable to allow a user to immediately establish and/or to schedule automatic establishment of one or more streaming media sessions." Independent claims 12 and 26 recite similar limitations. The Applicants respectfully submit that the none of the cited references, alone or in combination with one another, describes, teaches or suggest a "a user interface, at the first home, having at least one view comprising a representation of at least one user defined media channel for the communication of media comprising audio and/or video, the at least one user defined media channel comprising a graphical representation of **a user selected and scheduled sequence of media content** comprising audio and/or video, the user interface operable to allow a user to **immediately establish and/or to schedule automatic establishment of one or more streaming media sessions.**" Thus, the Applicants respectfully submit that the proposed

combination of references does not render claims 1, 12, 26 or the claims that depend therefrom unpatentable.

Independent claim 20 recites, in part, “receiving input from a user, at the first location, wherein said receiving input comprises immediately establishing one or more streaming media session and/or automatically establishing one or more streaming media sessions.” The Applicants respectfully submit that the proposed combination of references does not describe, teach or suggest these limitations. Thus, the proposed combination does not render claim 20 or the claims that depend therefrom unpatentable.

Claim 1 also recites, in part, “server software that maintains a user defined group of users comprising the first and second users, wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of users, wherein a member within the user defined group of users can privately share media content comprising audio and/or video with one or more other members within the user defined group of users, wherein the server software receives a request identifying one of the associated first and second network addresses, and responds by identifying the other of the associated first and second network addresses to support transmission of the media content comprising audio and/or video from the at least one first media peripheral to the second television display for consumption in a real time manner” as amended. Independent claims 13, 20 and 26 recite similar limitations.

The Office Action acknowledges that the “combination of Berezowski and Parker does not explicitly teach wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of user, wherein a member within the user defined groups of users can privately share media content with one or more other members

within the user defined group of users.” *See* January 5, 2009 Office Action at page 7. To overcome these deficiencies, the Office Action relies on Schoen. *See id.*

Schoen discloses a “method and apparatus for facilitating instant messaging [that] utilizes a secure instant message group policy certificate issued by an instant messaging public key infrastructure policy certificate issuing unit.” *See* Schoen at Abstract. Schoen indicates that “[i]ndividual and group [instant messaging] conversations may only be established with other members of the group. Other instant messaging subscribers will be denied access to the respective instant messaging subscriber.” *See id.* at column 17, lines 31-34. Schoen is clear that “instant messaging is typically used for sending small simple messages that are delivered immediately to online users.” *See id.* at column 1, lines 15-17. While Schoen discloses that “[i]nvitations may include for example file transfers or chat group requests” (*see id.* at column 10, lines 3-4), there is nothing in Schoen that describes, teaches or suggests that instant messaging involves the transfer of audio or video. Instead, instant messaging involves “small simple messages,” such as typed on a keyboard.

Again, the Office Action acknowledges that the “combination of Berezowski and Parker does not explicitly teach wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of user, wherein a member within the user defined groups of users can privately share media content with one or more other members within the user defined group of users.” *See* January 5, 2009 Office Action at page 7. To overcome these deficiencies, the Office Action relies on Schoen. *See id.* Schoen merely adds a secure instant messaging group (in which users send “small simple messages” to one another) to the combination of Berezowski and Parker.

However, the proposed combination does not describe, teach or suggest “server software that maintains a user defined group of users comprising the first and second users, wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of users, wherein a member within the user defined group of users can **privately share media content comprising audio and/or video with one or more other members within the user defined group of users**, wherein the server software receives a request identifying one of the associated first and second network addresses, and responds by identifying the other of the associated first and second network addresses to support transmission of the **media content comprising audio and/or video** from the at least one first media peripheral to the second television display for consumption in a real time manner,” as recited in claim 1. Independent claims 13, 20 and 26 recite similar limitations. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of Berezowski, Parker and Schoen does not render any of the pending claims unpatentable.

In general, the Office Action makes various statements regarding claims 1-33 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

Appln. No. 10/675,410
Amendment Under 37 C.F.R. § 1.111

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: March 31, 2009

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100